THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 14125 of 2006

Dated: 03.11.2006

Between:

S. Satyanarayana.

.... PETITIONER

AND

The A.P.Genco, rep. by its Chairman & Managing Director, Vidyut Soudha, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 14125 of 2006

ORDER:

The petitioner, who is the son of the deceased employee of the respondents-Organization, filed the present writ petition seeking to direct the respondents to appoint him on compassionate grounds in any suitable post.

2. The petitioner states that his father, namely S. Suryanarayana, died in harness on 02.02.1992, while working as Helper in the respondents-Organization. At the time of death of his father, he was aged about 12 years. So, his mother submitted an application to the respondents-Organization seeking appointment on compassionate grounds and for payment of pensionary benefits. Meanwhile, one Appalanarasamma filed O.P.No.55 of 1992, which was re-numbered as O.S.No.79 of 1993, claiming retiral benefits of said S. Suryanarayana, and the same ended in compromise on 07.10.1995. The petitioner states that after attaining majority, he made representations dated 11.12.2001 and 12.12.2003 to the respondents-Organization seeking appointment on compassionate grounds. But, the respondent-Organization, vide memo, dated 06.07.2004, rejected his application stating that he is not eligible

for appointment. Aggrieved by the said action of the respondents-Organization, the petitioner filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Organization.

4. The contention of the learned counsel for the petitioner is that the scheme to provide employment to the dependants of the deceased employees on compassionate grounds is in existence, and when the scheme is in existence, the action of the respondents in rejecting the application of the petitioner without giving any reasons is illegal. He thus, prays to direct the respondents to consider the case of the petitioner for appointment on compassionate grounds in any suitable post.

5. The learned Standing Counsel for the respondents-Organization produced a copy of the memo dated 21.02.1991 issued by the respondents-Organization. A perusal of the said memo clearly indicates that the Board has decided to follow Government rules to allow two years time to minor dependants from the date of death/retirement on medical invalidation of Board employees while in service to become eligible for employment. However, the application for employment should be registered within one year from the date of death/retirement of employee on medical invalidation. But, in the instant case, admittedly, the petitioner was aged 12 years at the time of death of his father i.e., 02.02.1992, and he became major in the year 1999 and by the time, the petitioner attained majority nearly seven years have elapsed. So, as per the conditions of the said memo, the petitioner having not made application within one year is not entitled to be

considered for compassionate appointment. In the circumstances, the petitioner cannot contend that non-consideration of his case for compassionate appointment by the respondents-Organization is illegal.

6. The Writ Petition is devoid of merit and the same is accordingly dismissed. However, if the petitioner is entitled to any monetary benefits, the respondents shall settle the same. No costs.

_____

N.V. RAMANA, J.

Date: 03.11.2006

sj/nsr